



## **MINUTES OF THE NASHUA CONSERVATION COMMISSION**

**Tuesday, September 6, 2016**

### **A. Call to order**

A regular meeting of the Nashua Conservation Commission was called to order on Tuesday, September 6, 2016 at 7:00 PM, in Room 208, City Hall, and Second Floor - 229 Main Street.

### **B. Roll call**

Chairman Michael Gallagher, presided;

Members of the Commission Present:

Sherry Dutzy  
Donald Cederquist  
Brandon Pierotti  
Richard Gillespie  
Bill Parker, alt.  
Dan Sloan, alt.

Also in Attendance:

Scott McPhie, Planning Department  
Ald. David Schoneman

### **C. Approval of Minutes**

- June 7, 2016 – meeting minutes

Commissioner Dutzy stated on Page 3, the following sentence should be added: "He indicated that four yards of high quality loam had been added to the site."

Commissioner Pierotti said on Page 2, "thrift shop" should be changed to "consignment store."

**MOTION BY COMMISSIONER DUTZY, SECONDED BY COMMISSIONER SLOAN, TO  
APPROVE THE MEETING MINUTES OF JUNE 7, 2016, AS AMENDED.  
MOTION CARRIED**

- August 2, 2016 – meeting minutes

Commissioner Pierotti said on Page 1, third line from the bottom, "rea" is a typo; it should read "area."

Commissioner Parker said at the top of Page 5, it was Commissioner Sloan that spoke, not him, in reference to the Lovewell's property.

**MOTION BY COMMISSIONER GILLESPIE, SECONDED BY COMMISSIONER CEDERQUIST, TO APPROVE THE MEETING MINUTES OF AUGUST 2, 2016, AS AMENDED.  
MOTION CARRIED**

- July 26, 2016 – site walk notes

**MOTION BY COMMISSIONER GILLESPIE, SECONDED BY COMMISSIONER DUTZY, TO ACCEPT AND PLACE ON FILE THE SITE WALK NOTES OF JULY 26, 2016.  
MOTION CARRIED**

#### **D. New Business**

- City of Nashua (Owner). Stephen Bourque, Nashua Airport Authority (Applicant). Removal of 8-12 trees to decrease obstruction to Airport approach. Property is located on the east side of Charron Avenue. Sheet E Lot 3103. Cutting will take place within the 40-foot critical wetland buffer.

Stephen Bourque, Airport Manager, introduced himself. He explained that the FAA designated the circling approach as unusable at night because of the tree penetrations. They would like to remove the trees to increase safety and utility of the pilots. He said they intend to leave the tree stumps in place to minimize ground disturbance and soil erosion. They would use a silt fence or other erosion control measures that the Commission deems appropriate, as well as follow best management practices in accordance with NHDES. There are no known federally and state listed endangered species in the project area and the proposed tree removal will not cause a significant detriment to the habitat. The vegetation removed will not impair stability of the buffer.

Commissioner Gillespie asked if this project was related to the sideward movement of the runway.

Mr. Bourque said he would guess that if the runway hadn't been moved over 300ft. to the northeast, there is a chance the trees would have remained outside of the approach surface.

Commissioner Gillespie asked if he knew what crew would be conducting the work. The Commission was not satisfied with the work completed during the last project.

Mr. Bourque said no, they haven't talked to any contractors yet. He would be working very closely with his office to make sure only the marked trees are moved.

Commissioner Gillespie asked who will mark the trees.

Mr. Bourque said his office staff, in cooperation with their consultant.

Commissioner Gillespie asked if the trees could be removed from the road with a crane, so that there would be minimal disturbance from trucks going in and out of the property.

Mr. Bourque said yes, it seems that would be the most logical way to do it. He does not think there would be disturbance from vehicles entering the site.

Chairman Gallagher echoed Commissioner Gillespie's concerns. He explained that when the runway was being relocated, trees had been marked behind Bud Way for cutting. However, the

entire area was clear-cut. The contractor hired for this project needs to be cognizant of the number of trees designated for cutting.

Ald. Schoneman asked how high the 20:1 slope is at the location.

Mr. Bourque said the trees are 1200ft. from the end of the pavement. He is unsure of the exact height difference between the two areas, but if it were flat ground, it would be 60ft. of penetration.

Ald. Schoneman asked how tall the trees are.

Mr. Bourque said about 80ft. tall.

Ald. Schoneman asked when this approach was last authorized at night.

Mr. Bourque said he did not know.

Ald. Schoneman asked if the approach will definitely be reauthorized once the trees are removed.

Mr. Bourque said yes, that is the intent.

Ald. Schoneman asked if there were any other reasons why this approach wouldn't be authorized, other than the trees.

Mr. Bourque said there are a couple more trees that were identified but they are on private property. These trees will also be coming down.

Ald. Schoneman asked how an approach gets reauthorized.

Mr. Bourque said it involves working through the FAA evaluation process. He has never gone through the process himself but he believes it requires taking pictures of the stumps and sending them to the FAA.

Ald. Schoneman said the airport has six unobstructed approaches. Are there any funding limits to this airport that are dependent on those trees?

Mr. Bourque said the airport has to take care of all of its safety items before it can use federal funding for other things. This could be considered a safety item that the FAA would need to be taken care of before other items could be brought forward on their CIP.

Ald. Schoneman said he would like to ensure that the airport would gain utility through the removal of these trees.

Chairman Gallagher asked how many approaches are available at night currently.

Mr. Bourque said he is not sure.

Ald. Schoneman explained the six approaches to the airport.

Commissioner Parker asked who makes the final call on what trees are coming down.

Mr. Bourque said his office will make the determination in cooperation with their consultant. Their intent is not to clear-cut.

Commissioner Sloan asked, should the surrounding trees grow taller in the coming years, would those need to be cut as well.

Mr. Bourque said it depends on the species. Most of the trees being removed are Pines. There's a Maple off to the left that is about the same age but not nearly as tall.

Commissioner Dutzy suggested that the trees could be marked and the Commission could conduct a site visit prior to making a decision on the application.

Chairman Gallagher asked if there is a certain time frame to complete the project.

Mr. Bourque said they were hoping to complete the project in September, but they are happy to entertain any suggestions or requests of the Commission.

Chairman Gallagher asked if it would be possible to have the trees identified and marked within the next couple of weeks.

Mr. Bourque said absolutely. He will have them marked by the end of next week.

Chairman Gallagher asked Mr. Bourque to notify Mr. McPhie to schedule a site walk.

Ald. Schoneman asked if this project is related to the runway project in regards to funding.

Mr. Bourque said no.

Ald. Schoneman asked if this project is partially funded by federal funds.

Mr. Bourque said no, this project is funded by the airport.

- 23 Land Holdings, LLC (Owner). Mike Grainger, Engineer and Mark Jacobs, Wetland Scientist (Applicant). Proposed change to wetlands boundary. Property is located at 31 Lojko Drive. Sheet B Lot 3103. No impacts to the wetland of its buffer proposed.

Marc Jacobs, Wetland Scientist, introduced himself as representing the applicant. He said Mr. Grainger was also present. He explained the boundary had been previously delineated around 14 years ago. The property owner is interested in building a home on this lot. The site had previously been used as a staging area during the development of the subdivision. The wetland and wetland buffer is a forested area. He used the 3 factor approach to determine the new boundary location.

Commissioner Gillespie asked what criteria changed in those few years that now make the area not qualified.

Mr. Jacobs said it is conceivable that the installation of the road and drainage infrastructure has intercepted enough drainage so it is no longer reaching this area, changing the hydrology and eventually the soils and vegetation community. The vegetation in this area included a sprinkling of plants associated with wetlands but they did not represent a dominance of the plant community. It is also conceivable that when the delineation was performed 14 years ago they may have not gotten it right. There have also been changes to the way they delineate wetlands.

Chairman Gallagher asked for clarification of the three factors.

Mr. Jacobs said the three parameters are soils, vegetation and signs of hydrology. He said he did not see soils or vegetation, and signs of hydrology only show up in a specific area. There are no drains or cross-culverts.

Chairman Gallagher asked Mr. Jacobs if the land had not been surveyed 14 years ago and he was analyzing the parcel as virgin land, would he not consider it a wetland.

Mr. Jacobs said that is correct, at least this portion of it (he referred to the plan being presented.)

Mr. Jacobs said they contacted the Natural Heritage Bureau for information on any endangered or rare species that might be in this area. They have no recorded occurrences of sensitive species within the project area. He said this information was not included in the packet but copies can be provided to the Commission. Before home construction commences, silt fencing will be placed. Approximately 800 yards of fill will need to be brought in to make the area suitable for home construction. Drainage from the roof would be directed into gutters and sent back into the ground to recharge.

Commissioner Sloan asked if the area that is dry now is due to the drought conditions.

Mr. Jacobs said drought can make wetland determinations a little more challenging, but they are looking at criteria, specifically color and texture of the soils, which takes years to develop. The soils represent an average of thousands of years of high water or low water. The plants respond quicker than the soils do, so in a drought situation there may be some influence on the plant community. They conducted their testing in June prior to the drought taking effect.

Commissioner Sloan asked what percentage of plants associated with wetlands was on site. Mr. Jacobs said about 20%.

Commissioner Dutzy asked if the Commission was voting on the change in the definition of the wetland area. There are no trees being removed and the buffer is not going to be impacted.

Chairman Gallagher asked Mr. McPhie if the Commission has the authority to make this determination.

Mr. McPhie said he was told that the Commission will go out and observe changes in wetland delineations from time to time.

Chairman Gallagher asked what formally needs to happen.

Mr. McPhie said any building permit proposal would have to show the building location and new wetland delineation. They may also need to amend the original subdivision plan.

Commissioner Gillespie asked if this new boundary would be reflected on the GIS.

Mr. McPhie said no, it would not be on the GIS for the City, but it would be on the amended subdivision plan.

Chairman Gallagher asked the expected time frame for the project. Mr. Jacobs said the owner is ready to build this fall.

Mr. Grainger said this phase of the subdivision was approved in 2002 or 2003, but the original subdivision was approved and delineated in 1994. He asked why they would need to amend the subdivision plan rather than just the single lot.

Mr. McPhie said he would have this clarified.

Commissioner Gillespie asked if the fill or proposed house will disturb the buffer.

Mr. Jacobs said no, the house will have a walkout on that side and will meet grade.

Commissioner Gillespie said they should stipulate that construction cannot begin until the silt fence is installed.

Chairman Gallagher said he did not think they could make this a stipulation, but he asked Mr. Jacobs and Mr. Grainger to notify the builder regarding the wetland and future activity on the lot.

**MOTION BY COMMISSIONER DUTZY, SECONDED BY COMMISSIONER SLOAN, TO APPROVED THE CHANGES TO THE WETLAND DELINEATION AT 31 LOJKO DR, SHEET B LOT 3103, SUBJECT TO MEETING THE CITY'S CRITERIA FOR PLAN CHANGES  
MOTION CARRIED**

**E. Old Business**

**F. Other Business and Updates**

- L. Gilson Road Soccer Field Project (impacts are outside of the 40-foot wetland buffer)

Mr. McPhie said Public Works has come forward with a plan to build two soccer fields outside of the wetland buffer.

Chairman Gallagher asked if this was the original location on the Terrell piece.

Mr. McPhie said no, this is City-owned land.

Commissioner Sloan said the Terrell piece is near the dog park.

Laura Saluja, Tanglewood resident, asked why the project is moving forward at this time.

Mr. McPhie explained that the Parks and Recreation Department have a need for additional soccer fields in the City.

A member of the audience asked how long a Master Plan stays in effect until it is revisited.

Chairman Gallagher said he believes it is revisited often, but every 10 years on average. In the conversations they had with former Mayor Lozeau, there is a significant need within the City for tournament-sized soccer fields.

Ms. Saluja said she has concerns because this area is the second largest greenway in Nashua according to the 2006 conservation report. It is a very important wildlife habitat.

Chairman Gallagher explained that the Commission could take these concerns to the Parks and Recreation but ultimately this proposal will not come before the Commission as there is not

interaction with wetlands/buffers. He added that he was not aware that this project was moving forward.

Mr. McPhie explained that the project would be taken up by the Planning Board on Thursday. Members of the public will have an opportunity to speak in opposition or concern with the project.

Commissioner Sloan said he believes the project will encroach on the wetlands.

Mr. McPhie provided a map displaying the delineated wetlands.

Commissioner Sloan said according to the City of Nashua Natural Resources Inventory and Conservation Plan from 2006, this whole area is the second most important area for wildlife conservation.

Commissioner Dutzy said she doesn't understand why the City can't repurpose some of the existing parks for soccer field use.

Commissioner Sloan said the superfund site could also be utilized.

- Conservation Commission assigned project update

Chairman Gallagher asked Mr. McPhie to email the list to Commissioners. He said certain projects will need to be reallocated. They will discuss this at the next meeting.

- Lovewells' open space weeding project

Commissioner Dutzy said she was at the site trying to find the rain garden and she came up a sewer grate surrounded by weeds. She asked if this was the rain garden.

Commissioner Gillespie said no, there is a mulched strip of land between the road and the parking lot, but it is very overgrown.

Commissioner Parker said he would be happy to visit the site and take a look.

Commissioner Dutzy said she would take this on as a project.

#### **G. NCC Correspondence and Communications**

- Right-to-Know Law

Mr. McPhie provided information to the Commissioners regarding updates to the Right-to-Know Law.

**MOTION BY COMMISSIONER GILLESPIE, SECONDED BY COMMISSIONER DUTZY,  
TO ACCEPT AND PLACE ON FILE THE MEMO REGARDING THE RIGHT-TO-KNOW  
LAW DATED AUGUST 26, 2016  
MOTION CARRIED**

#### **H. Items**

- 15 Kathy Drive

Commissioner Gillespie said he saw a notice in the paper that the house went to auction in July. The builder had previously come before the Commission requesting to build a deck in the buffer. This may come before the Commission again in the future.

- Student Member

Chairman Gallagher said he spoke to Mayor Donchess about having a student member on the Commission. He will be attending the Board of Aldermen meeting next week, where the Mayor will speak on this topic.

**I. Project Updates by Commissioners**

**J. Nonpublic Session**

**MOTION BY CHAIRMAN GALLAGHER TO ENTER INTO NON-PUBLIC, PURSUANT TO RSA 91-A 3 II (D) TO CONSIDER THE ACQUISITION, SALE, OR LEASE OF REAL PERSONAL PROPERTY WHICH IF DISCUSSED IN PUBLIC WOULD LIKELY BENEFIT A PARTY OR PARTIES WHOSE INTERESTS ARE ADVERSE TO THOSE OF THE GENERAL COMMUNITY SECONDED BY COMMISSIONER CEDERQUIST**

**ROLL CALL:**

**YEA:** Commissioner Gallagher, Commissioner Dutzy, Commissioner Gillespie, Commissioner Cederquist, Commissioner Pierotti, Commissioner Parker, Commissioner Sloan

**NAY:**

**MOTION CARRIED**

**MOTION BY CHAIRMAN GALLAGHER THAT THE COMMISSION, BY ROLL CALL, SEAL THE MINUTES OF THE NONPUBLIC SESSION UNTIL SUCH TIME AS A MAJORITY OF THE COMMISSION VOTES THAT THE PURPOSE OF THE CONFIDENTIALITY WOULD NO LONGER BE SERVED SECONDED BY COMMISSIONER CEDERQUIST**

**ROLL CALL:**

**YEA:** Commissioner Gallagher, Commissioner Dutzy, Commissioner Gillespie, Commissioner Cederquist, Commissioner Pierotti, Commissioner Parker, Commissioner Sloan

**NAY:**

**MOTION CARRIED**

**K. Adjournment**

Meeting adjourned at 9:02 p.m.

APPROVED:

---

Richard Gillespie, Clerk, Nashua Conservation Commission



DIGITAL RECORDING OF THIS MEETING IS AVAILABLE FOR LISTENING DURING REGULAR OFFICE HOURS OR CAN BE ACCESSED ON THE CITY'S WEBSITE. DIGITAL COPY OF AUDIO OF THE MEETING MAY BE MADE AVAILABLE UPON 48 HOURS ADVANCED NOTICE AND PAYMENT OF THE FEE.

---

Prepared by: Mindy Lloyd

Taped Meeting